

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

September 18, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, September 18, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor
James E. Babcock, Mayor Pro Tem
John Bird, Alderman
Richard Rantzow, Alderman
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Alderman Jeff Robinson led the invocation. Mayor Lambert led the pledge of allegiance to the United States Flag and the Texas Flag.
2. Comments from Mayor: Mayor Lambert announced that anyone who wanted to speak needed to sign up if they had not done so.
3. Comments from Aldermen: There were no comments from the Alderman.
4. Public Comments: There were no public comments.
5. Texas Colorado River Floodplain Coalition: Brian Shirley, Vice-Chairman of the Texas Colorado River Floodplain Coalition welcomed Horseshoe Bay to the floodplain coalition. He said there are now fifty-six different communities and counties in the Colorado River Flood Basin and presented a plaque to the City showing membership.
6. Presentation of Staff Awards: Mayor Lambert congratulated Police Officer Jason Graham and Firefighter Wes Aiken for receiving the Annual 9-11 Public Safety Award from the Rotary Club.
7. Lifestyle Committee Ordinance Recommendations: Mayor Lambert stated there are three ordinances that have been recommended by the Lifestyle Committee on the agenda today.
 - a. Sign Ordinance: Mayor Lambert asked if any of the Council members had any comments on this ordinance. There were none. Alderman Babcock made the motion to approve the ordinance as presented. The motion was seconded by Alderman Rantzow. The motion passed unanimously (4-0).

- b. Outdoor Lighting Ordinance: Mayor Lambert asked if there were any questions or comments. Alderman Rantzow made the motion to pass the ordinance as presented. The motion was seconded by Alderman Robinson. The motion passed unanimously (4-0).
- c. Animal Control Ordinance: Mayor Lambert stated several people had signed up to speak on this item. Ricky Maveety was the first to speak. She opposes the Animal Control Ordinance as written. Brad Hatfield, representing the OL Ranch, developer of The Trails of Horseshoe Bay questioned language in XV a. (2) that was added to the last draft regarding licensed residential foster owners, which does not have a definition in the ordinance and he feels it needs to be added prior to adopting the ordinance. Mike Walsh, representing The Trails POA said as he read through the ordinance and he questioned who would be doing the licensing for the licensed residential foster homes and how many animals would be allowed. He also stated each of the subdivisions in the City have a POA that has covenants that the City has tried to mirror when writing the animal control ordinance. He further stated that these covenants were accepted by each owner of property in these subdivisions when they purchased their property. He feels the City should require approval of surrounding neighbors and the POA prior to approval by the City. Adrian James is an advocate of the TNR Program and asked the Council to add the TNR provision to the ordinance prior to passage. She also asked that the definition of owner not include feral cat caregivers. Police Chief Bill Lane stated his priorities are first public safety and second to protect property rights of the citizens. Further down is the humane treatment of all animals within the community. What the police department intends to do is to work from complaints unless the public health is jeopardized. Aldermen Robinson and Rantzow questioned the policy of releasing a TNR cat back in the same neighborhood. Chief Lane suggested if the animal is picked up due to a complaint, the animal will not be released back in the same neighborhood. Mayor Lambert said if the Council passes the ordinance today with whatever amendments they chose, he will make the commitment to get with City Attorney Monte Akers and research the ownership clause concerning feeding feral cats. He added as far as the issue of releasing a TNR cat that has been trapped in response to a complaint by a citizen, the animal will not be released where it was trapped. It was suggested a clause be added that when an animal is trapped from private property in connection with a complaint the animal will be taken to the shelter and not be eligible to be re-released in the City. Mayor Lambert stated there are other typographical errors he would like to get on the record in case the ordinance is approved. The definition for *On premises* needs to have the word “not” removed from between animal and confined in the first sentence. The definition for *Wild/Exotic* animal the word “country” is mistyped and should read “county”. In section IX.(b) burros, cattle or sheep needs to be added after horses at the end of the sentence also. Alderman Babcock suggested the definition and the usage of the term *animal foster home* be made consistent throughout the document. He suggested section XVI be rewritten adding animal foster home with the same requirements as an annual residential breeder whereby the party applies for the license and the matter will go before Council for approval. The ordinance reads there will also be a public hearing and surrounding property owners will have input as to what will be maintained there. The guidelines would largely be the same as the breeder in that you can get over four (4) but still no more than six (6) while you are transitioning the animals for adoption. Mayor

Lambert suggested that the notice sent to the surrounding property owners also go to the affected Property Owner Association and that if either one of these activities is specifically prohibited in the Deeds and Reservations, the request must include an approval by the Board of Directors of the POA. It was also stated that if the Deeds and Reservations are different than the Ordinance, the most restrictive will apply. Alderman Bird questioned the City procedure needed when issuing these licenses. Would the facilities need to be inspected by the City and if so, is that a business the City wants to get into. Mayor Lambert asked if he could research this and report back to the Council. City Attorney, Monte Akers suggested changing the words "Residential Foster Home" to read "Animal Foster Home". He added that at previous meetings there was concern about wildlife management programs that exist in The Trails of Horseshoe Bay and Bay Country. In section XVII (d) Additional Provisions he suggested adding number (3) to read: "Nothing herein is intended to repeal, make illegal, or make inoperable a valid wildlife or habitat management program authorized by Texas Parks and Wildlife or a local taxing authority". Alderman Bird asked that section IV (e) the spelling of "accessed" be corrected to read "assessed". Alderman Rantzow made the motion to approve the Animal Control Ordinance with the agreed upon modifications. The motion was seconded by Alderman Robinson. The motion passed unanimously (4-0).

8. Public Hearing on Proposed Budget: Mayor Lambert convened the public hearing on the proposed budget at 3:50 p.m. There were no public comments and he adjourned the public hearing.
9. Budget for Fiscal Year 10-01-07 thru 09-30-08: Mayor Lambert commented that the City Council has held three workshops on the budget and they believe this year's budget will continue a very high level of service to the City and also have reasonable control of costs. He noted on page 7 and page 10 the number for total transfers to the Utility Fund should be \$1,560,000. Alderman Rantzow made the motion to approve the budget as proposed. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).
10. Ordinance to Adopt Tax Rate for 2007: Mayor Lambert said this item is to formally approve the tax rate. He stated the tax rate that is being considered is \$0.40/\$100. The rate for the last several years has been \$0.50/\$100 and that is a reduction of 20% or \$1,250,000. This is a very substantial reduction that reflects an increase in utility rates in the past two years and the upcoming year as well as \$450,000 anticipated income from the two sales tax issues passed by the community in May. Alderman Rantzow made the motion to approve the ordinance to adopt the tax rate. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).
11. Revised Schedule of Services and Rates to be Effective October 1, 2007: Mayor Lambert said this is a thirty-three page document that lists all fees as well as the process used for providing service in the City. During the budget workshop process, the Council received assistance from a consultant regarding utility rates. These recommendations are reflected in the schedule the Council is considering approving today. Alderman Rantzow made the motion to approve the Schedule of Services and Rates as presented. The motion was seconded by Alderman Robinson. The motion passed unanimously (4-0).

12. Continue Public Hearing from August 28, 2007 and Possible Action Regarding Amendments to City of Horseshoe Bay Zoning Ordinance, Llano County, Texas: At 3:58 p.m. Mayor Lambert announced he would like to continue a public hearing started at the August 28, 2007 Council meeting. There were no comments and the public hearing was adjourned. He stated there are several changes to improve the wording and additional changes the Council wanted to make. Development Services Manager Eric Winter and City Attorney Monte Akers have reviewed and made some grammatical changes. There was an additional two pages of suggested revisions handed out at the meeting that the Council had not had a chance to review. Mayor Lambert suggested a short break to allow the Council time to review these.

Regular Meeting Adjourned for a Recess: At 4:00 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 4: 07 p.m., Mayor Lambert reconvened the meeting.

Alderman Rantzow made the motion to approve the amendments to the Zoning Ordinance as presented. The motion was seconded by Alderman Robinson. The motion passed unanimously (4-0).

13. Continue Public Hearing from August 28, 2007 and Possible Action Regarding Amendments to City of Horseshoe Bay Subdivision Ordinance, Llano County, Texas: At 4:09 Mayor Lambert announced he would continue the public hearing from the August 28, 2007 Council meeting related to the subdivision ordinance. There were no comments and the public hearing was adjourned. The Council has a list of changes, some suggested by members of the Council, City Attorney Akers as well as Development Services Manager Eric Winter. Alderman Robinson made the motion to approve the amendments to the Subdivision Ordinance as presented. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).

14. Possible Action Regarding Application for a planned Development Ordinance including an Amendment to the Zoning Ordinance for Rezoning from R-2, Two Family Residential to C-2, General Commercial Lot Nos. 23089, 23094 and a part of Lot No. 23090, Horseshoe Bay Plat No. 23.1, Llano County, Texas: Mayor Lambert stated the developer of this property has asked that this item be deferred until the October 16, 2007 Council meeting.

15. The City Council, meeting as the Board of Adjustment, will Conduct a Public Hearing and Possible Action Regarding a Variance to the 25 foot front yard building setback for Lot No. W24012, Horseshoe Bay, Llano County, Texas: Mayor Lambert stated the Council would now meet as the Board of Adjustment and he convened a public hearing at 4:10 p.m. There were no public comments and he adjourned the public hearing. Alderman Robinson made the motion to approve the variance as requested. The motion was seconded by Alderman Rantzow. The motion passed unanimously (4-0).

16. Items to be removed from the Consent Agenda:

Item 17.a. Minutes of the August 28, 2007 10:00 a.m. Public Meeting and the September 6, 2007 Public meeting

Alderman Robinson asked that these be amended to show he was present at both meetings.

Item 17.b.i. Replat of Lot Nos. 23089, 23094, 23095 and part of 23090, Horseshoe Bay Plat No. 23.1 to be known as Horseshoe Bay Plat No. 23.45, Llano County, Texas (Hwy 2147, Hi Circle South and Azure)

This item was deferred until the October 16, 2007 Council meeting.

Item 17d. Revisions to the Personnel Policies for Vacation Accrual and Pension Benefits for all employees, and Holiday Pay for Firefighters

This item was deferred until the October 16, 2007 meeting in order to allow time for further study.

17. Consent Agenda Items:

- a. Minutes of the August 28, 2007 10:00 a.m. Public Meeting, the August 28, 2007 3:00 p.m. Public Meeting and the September 6, 2007 Public Meeting
- b. Final Plats:
 - ii. Replat of Lot No. W24012 and 0.029 acres of right-of-way out of Eagles Nest of Horseshoe Bay West Plat No. W24.1 to be known as Plat No. W24.2, Llano County, Texas (Eagle's Nest)
 - iii. Replat of Lot No. W4066, Horseshoe Bay West Plat No. W4.1 to be known as Plat No. W4.9, Llano County, Texas (Fault Line Drive)
 - iv. Replat of Lot Nos. "N" and "O", Jonathan Cove 3, Horseshoe Bay Plat No. 37.1 to be known as Plat No. 37.50, Burnet County, Texas (Hwy. 2147)
 - v. Replat of Lot Nos. 14-A and 15-A of Trails End, Section One-A, to be known as Lot Nos. 14-A and 15-A, Trails End, Llano County, Texas (111 Christine Circle)
 - vi. Replat of Lot Nos. 1 Thru 72 of Westgate at Horseshoe Bay, 46.86 Acres out of the Levi Mercer Survey No. 2, Abstract No. 505, to be known as Replat of Lot Nos. 1 Thru 72 Westgate at Horseshoe Bay, Llano County, Texas (Hwy 2147 and Stone's Throw)
- c. Revisions to Exhibit A of the Compensation Policy for Salary Range Assignments and Job Titles
- e. Contract for the Administration of Emergency Medical Services
- f. Award Contract for Engineering for Phase III Wastewater Force Main
- g. Funding of Operating Reserves
- h. General Fund Budget Amendment

Alderman Rantzow made the motion to approve the remaining items on the consent agenda with the amendment to the minutes of the August 28, 2007 10:00 a.m. Public Meeting and the September 6, 2007 Public Meeting revised to show Alderman Robinson present at both meetings. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).

18. Certification of Unopposed Candidates by City Secretary and Ordinance Declaring the Same and Canceling the November 6, 2007 Election: Mayor Lambert explained that the deadline for filing to run for City Council as well as the deadline for write-in candidates has passed. Bob Lambert is the only candidate for Mayor and John Bird and Claudia Haydon are the two only candidates for Aldermen. These are the only positions available and it is acceptable to

cancel the City's November 6, 2007 election. Alderman Rantzow made the motion to cancel the election. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0). Mayor Lambert and the Council congratulated Claudia Haydon.

19. General Manager's Report: General Manager Thuss presented his report to the Council, a copy of which is attached and made a part of these minutes.
20. Adjournment: Alderman Rantzow made the motion to adjourn the meeting. The motion was seconded by Alderman Robinson. The motion passed unanimously (4-0).

APPROVED this 16th day of October, 2007.

/S/
Robert W. Lambert, Mayor

ATTEST:

/S/
Toni Vanderburg, City Secretary